



**FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)**

Case reference : **LON/00AW/LDC/2025/0916**

Property : **20A St Quintin Avenue, London W10
6NU**

Applicant : **Roger Grubb (freeholder)**

Representative : **J Nicholson & Son (managing agent)**

Respondents : **The leaseholders as per the application**

Representative : **N/A**

Type of application : **For the determination of the liability to
pay service charges under section 27A of
the Landlord and Tenant Act 1985**

Tribunal member : **Judge Tagliavini**

Venue : **10 Alfred Place, London WC1E 7LR**

Date of decision : **23 February 2026**

DECISION

Decisions of the tribunal

- (1) The tribunal grants the applicant the dispensation sought pursuant to s.20ZA Landlord and Tenant Act 1985 in respect of damp-proofing works to the basement at **20A St Quintin Avenue, London W10 6NU** which were completed in 2024.
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The application

1. The applicant seeks the tribunal's dispensation pursuant to s.20ZA of the Landlord and Tenant Act 1985 in respect of damp-proofing works to the basement flat at the subject property known as **20 St Quintin Avenue, London W10 6NU** ('the property').

The hearing

2. The application was determined on the 5 digital bundles provided by the applicant totalling 124 pages as neither party requested an oral hearing.

The background

3. The property which is the subject of this application is a converted semi-detached property comprising 5 self-contained flats on basement, ground, first and second floors.
4. The leaseholder of the basement flat informed the applicant of damp issues to the internal face of the exterior wall/s within the flat. The applicant asserts a Notice of Intention dated 02/02/2024 was served on the respondents and two estimates for the works were obtained as part of the tender process.
5. However, due to increasing urgency of the works to be remedied, the respondent carried them out without following the full consultation process. The works are said to have been completed in 2024 by ____ at a cost of ____.

The issues

6. The only issue for the tribunal is whether it is reasonable to dispense with statutory consultation requirements. This application does not concern the issue of whether any service charge costs are reasonable or are payable although these issues may be raised in the appropriate application.

The applicant's case

7. At the request of a leaseholder, the applicant obtained 2 report and quotations from Kenwood plc dated 7 November 2023 for all remedial work in the estimated sum of £18,740.00 (exc. VAT) or £10,985.00 (exc. VAT). However, the cause of the damp (defective plumbing) was stated as not being within the scope of works offered by Kenwood plc. A further report was obtained by the applicant from PROKILL (damp and timber specialists) dated 4 June 2024. This report quoted the sum of £11,770.00 (inc. VAT). A further quotation was obtained from Abovewater Damp Proofing Ltd dated 21 August 2024 which estimated a total sum of £30,348.00 (inc. VAT).
8. The applicant subsequently commissioned Abovewater Damp Proofing Ltd to carry out the remedial works and informed the respondent leaseholders of this decision on 11/07/2025 as well as providing a copy of the report and an apportionment of the costs to be charges to the leaseholders as service charges.

The respondents' case

9. A number of the leaseholders provided the tribunal with written objections dated 14 December 2025 to the works carried out which can be summarised as follows:
 - (i) None of the leaseholders received the Notice of Intention dated 2 February 2024. It was seen for the first time on 26 September 2025 after completion of the works.
 - (ii) The leaseholders were unaware of the damp problem in the basement flat other than the leaseholder of that flat.
 - (iii) The leaseholders had no opportunity to comment on the scope or cost of the works or nominate a contractor.
 - (iv) The cost of the works charged to the leaseholders of £26,000 is substantial for a small building.
 - (v) The works were not urgent and there was no evidence of any sudden deterioration or immediate risk. Therefore, the full consultation process could have been followed by the applicant.

The tribunal's decision

10. The tribunal determines it is reasonable to grant the dispensation from consultation sought by the applicant in respect of damp works to the basement of the subject property.

The tribunal's reasons

11. In reaching its decision the tribunal had regard to all of the material provided by the parties. However, neither party provided the tribunal with any witness statement either in support of or in objection to the application. The tribunal also had regard to the relevant statutory s.20 provision which states:

(1)Where this section applies to any qualifying works or qualifying long term agreement, the relevant contributions of tenants are limited in accordance with subsection (6) or (7) (or both) unless the consultation requirements have been either—

(a)complied with in relation to the works or agreement, or

(b)except in the case of works to which section 20D applies, dispensed with in relation to the works or agreement by (or on appeal from) the appropriate tribunal.

(2)In this section “relevant contribution,” in relation to a tenant and any works or agreement, is the amount which he may be required under the terms of his lease to contribute (by the payment of service charges) to relevant costs incurred on carrying out the works or under the agreement.

(3)This section applies to qualifying works if relevant costs incurred on carrying out the works exceed an appropriate amount.

12. The tribunal also had regard to the leading authority on the issue of dispensation from s.20 consultation; *Daejan Investments Limited v Benson and others*, 2013] UKSC 14 & [2013] UKSC 54
13. In this instance the tribunal finds the respondents have failed to identify or demonstrate any prejudice they have suffered as a consequence of the consultation requirements not being fully followed. The tribunal finds the leaseholders were on the balance of probabilities served with the Notice of Intention, as one leaseholder expressly replied to it with the name of a contractor they would like to provide an estimate.
14. Further, the respondents did not provide the tribunal with any independent evidence by way of a further quotation from another contractor, querying the scope or cost of the works carried out on behalf of the applicant. The objections provided by the leaseholder contain little detail in respect of any prejudice they have suffered from the lack of consultation.

15. The tribunal finds there were damp issues to the basement area which required remediation. As an expert tribunal, the tribunal finds the longer these works were required, the more damage was likely to be caused to the structure of the building and the more extensive they were likely to become.
16. The tribunal finds a landlord is not required to accept the cheapest quote as in some instances a higher quote may deal with more extensive works that are required to definitely resolve the initial source of dampness and reinstate the premises. In this instance, the tribunal would have been assisted by a Statement from the applicant as to the reasons for choosing the contractor ultimately used. However, in the absence of this statement, the tribunal finds ha after consideration of the various quotations provided, that there are differences between them as to the extent of the works required and whether they include or exclude VAT @ 20%.
17. In conclusion, the tribunal finds the respondents have failed to identify any prejudice caused to them as a result of the lack of consultation and therefore grants the application form dispensation.

Name: Judge Tagliavini

Date: 23 February 2026

Rights of appeal

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the Tribunal is required to notify the parties about any right of appeal they may have.

If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber), then a written application for permission must be made to the First-tier Tribunal at the Regional Office which has been dealing with the case. The application should be made on Form RP PTA available at <https://www.gov.uk/government/publications/form-rp-pta-application-for-permission-to-appeal-a-decision-to-the-upper-tribunal-lands-chamber>

The application for permission to appeal must arrive at the Regional Office within 28 days after the Tribunal sends written reasons for the decision to the person making the application.

If the application is not made within the 28-day time limit, such application must include a request for an extension of time and the reason for not complying with the 28-day time limit; the Tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed, despite not being within the time limit.

The application for permission to appeal must identify the decision of the Tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal and state the result the party making the application is seeking.

If the Tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).